



City of Carmel

Carmel/Clay Advisory Board of Zoning Appeals Regular Meeting Monday, January 26, 2004

The regularly scheduled meeting was held at 7:00 PM in the Community Room of the Clay Township Government Building on January 26, 2004. New members, James Hawkins and Madeline Torres, and returning member, Earlene Plavchak, were sworn in. In addition, Leo Dierckman and Charles Weinkauff were present, thereby establishing a quorum. Department of Community Services Staff in attendance: Planning Administrators Jon Dobosiewicz and Angie Butler. John Molitor, Legal Counsel, was also present.

Mr. Dierckman moved to approve the minutes from the December 22, 2003 meeting. The motion was seconded by Mrs. Plavchak and **APPROVED 5-0.**

Election of Officers:

Mr. Dierckman nominated Charles Weinkauff for President, seconded by Mrs. Plavchak. **Charles Weinkauff was elected President** of the Board by unanimous consent.

Mr. Dierckman nominated Earlene Plavchak for Vice President, seconded by Mrs. Torres. **Earlene Plavchak was elected Vice President** of the Board by unanimous consent.

Mr. Dobosiewicz gave the Department Report. He pointed out the additional letters that had been distributed for various petitions.

There was no Legal Report.

J. Public Hearing

1-5j. TABLED

Tom Wood Subaru- Signage

The applicant seeks the following development standards variances:

V-103-03 #03100019 § 25.7.02-8(b) 5 identification signs

V-104-03 #03100020 §25.7.02-8(b) 5 identification signs facing south

V-105-03 #03100021 §25.7.02-8(b) 3 identification signs facing east

WITHDRAWN

V-106-03 #03100022 §25.7.02-8(b) 1 identification sign facing west

WITHDRAWN

V-107-03 #03100023 §26.4 relief from buffer yard requirement

The site is located at 3230 E 96th Street. The site is zoned B/3-Business.

Filed by Lawrence Lawhead of Barnes & Thornburg for Tom Wood Subaru.

**6-7j. Lady Hamilton Estates, Lot 6 - Special Use
Broad Horizons Montessori School**

The applicant seeks approval to operate a private school in the R-1 Zone.

SU-101-03 #03100007 §7.02 special use

The applicant also seeks the following development standards variance:

V-134-03 #03120028 §27.03.02 parking lot curbing

The site is located at 1325 E 111th Street. The site is zoned R-1/ Residence.

Filed by Susan & Kurt Pieples of Broad Horizons Montessori School, LLC.

Mr. Molitor pointed out that it had been brought to his attention that a Use Variance was needed for a private unaccredited school, not a Special Use as was filed. The Petitioners and remonstrators are willing to have the item tabled, so that the petition can be resubmitted.

Mrs. Plavchak moved to table **SU-101-03 and V-134-03, Lady Hamilton Estates, Lot 6 - Special Use Broad Horizons Montessori School** for purpose of proper filing with the caveat that the application fee be credited to the new application. The motion was seconded by Mr. Dierckman and **APPROVED 5-0.**

**8-11 j. THE FOLLOWING PETITIONS HAVE BEEN WITHDRAWN AT THE
REQUEST OF THE PETITIONER:**

AMLI at Old Town (V-124-03 through V-127-03; 03110025 through 03110028)

The applicant seeks the following Development Standards Variance approvals for signage:

V-124-03 #03110025 §25.07.02-13(b) 3 non-identification supergraphic signs

V-125-03 #03110026 §25.07.02-09(c) 60-sq.-ft. non-identification sign "Lumber & Grain"

V-126-03 #03110027 §25.07.02-09(c) 52.5-sq.-ft. non-identification sign "Hardware"

V-127-03 #03110028 §25.07.02-09(c) 55-sq.-ft. non-identification sign "Lofts Apartments"

The site is located at southeast corner of West Main Street and the Monon Greenway. The site is zoned C-2/Old Town within the Old Town Overlay.

Filed by the Department of Community Services for the Carmel Redevelopment Commission.

12j. Merchants' Square, C7 (Charter One Bank) (V-128-03/ #03120021)

The applicant seeks the following development standards variance:

V-128-03 #03120021 § 25.7.02-9(c) maximum sign area

The site is located at 2140 E 116th Street. The site is zoned B-8/Business.

Filed by Helyn Tompkins of SignArt for Charter One Bank.

Present for the Petitioner: Brad Rhodes, SignArt, 44750 Lansdown Circle, Mattawan, MI. The sign is consist with others in the area. Size, measurement, design and square footage of the existing sign were discussed.

Members of the public were invited to speak in favor or opposition to the petition; no one appeared.

Mr. Dobosiewicz gave the Department Report. The Department recommends favorable consideration. The 9.6 square feet overage is less than ten percent of what the Ordinance permits

The Public Hearing was closed.

Mr. Dierckman moved to approve **V-128-03, Merchants' Square, C7 (Charter One Bank)**. The motion was seconded by Mrs. Plavchak and **APPROVED 5-0**.

13j. Taylor Trace, Lot 12 (UV-129-03/ #03120022)
Furry Family Veterinary Clinic

The applicant seeks approval for a use variance:

UV-129-03 #03120022 §25.18.02 Veterinary clinic

The site is located at 3309 E. 146th Street. The site is zoned R-1/Residence.

Filed by Dr. Mary Wade.

Present for the Petitioner: Dr. Mary Wade, 3309 E. 146th Street. The 146th Street area was discussed regarding widening, traffic, new developments near the property, and the right-of-way. She described the small practice she is planning. Only changes made will be landscaping and signage. She discussed the previous concerns of traffic, noise, medical waste, safety, and commercialism in the area.

Members of the public in support:

James T. Anthony lives on 161st Street in Noblesville. He has real estate in Carmel. Hamilton County has changed a lot and her property will provide a buffer and provide a service.

Mike Jackson, 14238 Adios Pass. As the potential landscaper, he feels this will be a good buffer with trees and shrubs for screening. He mentioned the two busy landscaping businesses near the property.

Justin Davis, 17445 Trail View Circle, Noblesville, IN. He is Dr. Wade's friend and pastor. He feels she will represent the small business owner in the community.

James and Amber Curtis, 1936 Tourmaline Drive, Westfield, IN. They are church friends of Dr. Wade. They feel Dr. Wade's property will be a good buffer between the proposed church and the new subdivision. Since 146th Street has been widened, the house is not suited for a family.

Members of the public in opposition:

Jeanne Beebe, 3405 E. 146th Street, east of Taylor Trace subdivision. This is her third appearance before the Board for this petition. She shared a packet of information including a letter from the

Hamilton County Highway Department regarding the driveway cut on 146th Street, a diagram of the proposed Taylor Trace Subdivision, her letter of objection to the petition, a letter from Don Dunkerly, and a letter from Ginger Coraggio, President of the Woodgate Homeowners Association. The objections to this petition are traffic, property values, and health and safety issues. The Carmel City Codes and Ordinances do not permit this use.

Al Koeske, 14208 Joshua Drive, President of Foster Estates Homeowners Association, west of Dr. Wade's property. They are concerned about the commercialism along 146th Street decreasing property values. Please deny this rezone.

Bill Cooler, President of Worthington Estates Subdivision, immediately to the south of Dr. Wade's property. He is concerned about an external kennel and the noise level from the property. He would be in favor if there were strict limitations on the growth on this property.

Rebuttal:

Dr. Wade pointed out that this is not a Rezone, but a Use Variance. This will not be a commercial kennel. Changes have been made in the Taylor Trace Covenants that cover Lot 12 only.

Mr. Dobosiewicz gave the Department Report. The Department is generally unfavorable to the request. Questions for the Petitioner are about modifications that have been made in the way of commitments. There has been lots of discussion regarding outside kennels, signage, employees, and commitments on a residence. These need to be made in the form of commitments, in writing, to the Board. Unless there is a commitment made by the owner, the Use Variance goes with the land. The Department would need to review the commitments before a complete recommendation could be made.

Discussion followed regarding the concerns of the Department and the Board, written commitments that need to be made by the Petitioner, and tabling the petition.

Dr. Wade voluntarily agreed to table this petition to the next meeting and will provide the written commitments to the Department at least 14 days prior to the next meeting.

Mr. Weinkauff stated the Public Hearing will be kept open and continued at the point it was interrupted and will be basically just the questions and discussion of the Board.

14-15j. Park Northwestern, Lot 13A (V-130-03/ #03120023)

The applicant seeks the following development standards variance:

V-130-03 #03120023 §25C.07 minimum tract size
04010013 V §23C.10.3.5.b parking lot perimeter planting

The site is located at the southwest corner of Michigan Rd & Northwestern Dr.

The site is zoned I-1/Industrial within the US 421/Michigan Rd Overlay Zone.

Filed by Mary Solada of Bingham McHale, LLP for Java Partners, Ltd.

Present for the Petitioner: Mary Solada Bingham McHale, LLP, 2700 Market Tower, Indianapolis. Also present was Trent Newport, the Project Engineer. The Michigan Road

Overlay Zone requires a three-acre minimum lot size. This lot will only be 1.3 acres, which is about the same size as adjoining lots. Access to this parcel is integrated with the parcel to the south, reducing the number of curb cuts. The Overlay Zone also requires landscaping of the perimeter yards. The issue is that at the north edge of the property is the Panhandle Eastern pipeline easement with high-pressure natural gas transmission. The pipeline company will not allow landscaping because of the depth of the roots, which might get into the pipeline. They are proposing daylilies, which have a less deep root system. The rest of the site would be landscaped per the Ordinance.

Members of the public were invited to speak in favor or opposition to the petition; no one appeared.

Mr. Dobosiewicz gave the Department Report. The Department is recommending favorable consideration. These two particular requests are independent of the Plan Commission discussion. Scott Brewer, the Urban Forester, has reviewed the revised plans and sees that they are favorable. When the pipeline easement was granted, the owner had the right to develop certain things over the pipeline easement such as pavement. This lot size was established prior to the Overlay requirement of three acres to limit the number of drive cuts along Michigan Road.

The Public Hearing was closed.

Mrs. Plavchak moved to approve **V-130-03, Park Northwestern, Lot 13A**. The motion was seconded by Mr. Dierckman and **APPROVED 5-0**.

Mr. Dierckman moved to approve **04010013 V Park Northwestern, Lot 13A**. The motion was seconded by Mrs. Plavchak and **APPROVED 5-0**.

16j. TABLED

**Carmel Science & Technology Park, Lots 11B & 11C:
Congressional Flex Space (V-132-03/ #03120025)**

The applicant seeks the following development standards variance:

V-132-03 #03120025 §20D.04.06 front landscaped yard

The site is located at southwest 122nd Street & Congressional Blvd.

The site is zoned M-3/Manufacturing.

Filed by Mila Slepaya of Mid-States Engineering.

17j. Riverview Medical Park, Phase I (V-133-03/ #03120026)

The applicant seeks the following development standards variance:

V-133-03 #03120026 §6.01 (of PUD Z-410-03) occupied floors

The site is located at 5925 East 146th Street.

The site is zoned PUD/Planned Unit Development.

Filed by James Shinaver of Nelson & Frankenberger for Riverview Hospital.

Present for the Petitioner: Jim Shinaver, Nelson & Frankenberger, Carmel. Also present were Jay Ebert, Vice President of Support Services for Riverview Hospital and Tim Frank, the architect

for the project. The Riverview PUD and the designs for the two buildings on Parcel 1 were approved in the fall of 2003. Each of the proposed buildings was to have a basement for storage purposes. Through the results of a soil study, it was discovered that there were significant concerns about the high water table in the area surrounding the buildings, essentially preventing the construction of basements in the buildings. Section 6.1 of the PUD provided that only one floor of these buildings could be occupied. Storage would be on the second floor of Building A. Storage and a few offices would be on the second floor of Building B and a flat roof on the western extension of the building, which is going to be utilized for pool equipment and pool materials for the indoor therapy pool. On January 6, 2004, Riverview obtained approval from the Plan Commission's Special Studies Committee for a slight redesign for Building B to accommodate storage, a few offices, and the flat roof extension. A neighborhood meeting was held on January 22, 2004 and no one from the surrounding neighborhood attended.

Members of the public were invited to speak in favor or opposition to the petition; no one appeared.

Mr. Dobosiewicz gave the Department Report. The Department is recommending favorable consideration of both petitions subject to the findings as presented by the Petitioner.

The Public Hearing was closed.

Mr. Dierckman moved to approve **V-133-03, Riverview Medical Park, Phase I**. The motion was seconded by Mrs. Plavchak and **APPROVED 5-0**.

K. Old Business

L. New Business

M. Adjourn

Mr. Dierckman moved to adjourn. The motion was seconded by Mrs. Plavchak and **APPROVED 5-0**.

The meeting was adjourned at 8:45 PM

Charles Weinkauff, President

Connie Tingley, Secretary

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